



SATELLITE
RADIO

RECEIVED

NOV 16 2005

Federal Communications Commission
Office of the Secretary

04-296

2005 11 16 P 3 41

October 13, 2005

VIA FACSIMILE

Representative Michael Burgess
1721 Longworth HOB
Washington, DC 20515
202-225-2919

Dear Representative:

I understand that you recently wrote to FCC Chairman Kevin Martin urging the Commission to require the participation of satellite radio licensees in the Emergency Alert System ("EAS"). I am pleased to inform you that XM Satellite Radio Inc. (XM) provides important emergency information today, and has expressed our willingness to participate voluntarily in the EAS in comments with the FCC last year and in subsequent meetings with staff. We are therefore very concerned about legislation (H.R. 998) advocated by traditional radio broadcasters that would jeopardize our ability to provide emergency information to the public. In light of your advocacy of XM's participation in the EAS, we hope that you will oppose this legislation.

XM has been unambiguous in our willingness to participate in the EAS. As we wrote in comments to the FCC last year, "XM ... can play a vital role in improving the utility of the Emergency Alert System ("EAS") both by providing its own subscribers with national, state, and local EAS alerts as well as by serving as a complementary, satellite-based distributor of alerts to broadcast stations, cable systems, and other entities participating in the EAS."

Though not yet a part of the EAS, XM has taken significant steps to offer our subscribers real-time emergency alert information and Amber Alerts on our 21 Traffic, Weather, and Alerts channels as well as our dedicated XM Emergency Alert (Channel 247). We noted in our comments that, "XM is also committed to voluntarily becoming part of the EAS by transmitting national EAS alerts on all of its channels and state and local EAS alerts on the appropriate [Traffic, Weather and Alerts] channels."

XM's network offers tremendous public interest benefits, especially during emergencies. While Hurricane Katrina caused disruption and outages to nearly all traditional radio broadcasters in New Orleans, XM's three satellites continued to operate before, during, and after the storm. We utilized this resiliency to provide information for hurricane victims, safety officials, relief workers, and news media in the area. XM Emergency Alert (Channel 247) tracked the storm, reported on evacuation routes, and continues to provide updates about storm clean-up, road closures, school closings, and other vital information. Similarly, we provided

No. of Copies rec'd 0
List ABCDE

Representative Michael Burgess

October 13, 2005

Page 2

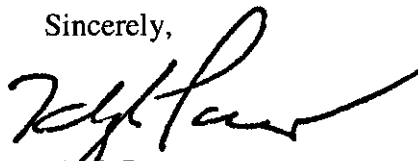
extensive coverage of Hurricane Rita, including evacuation routes and information on both XM Emergency Alert and on our Traffic, Weather, and Alerts Channel covering the Houston area.

Following Hurricane Katrina, XM launched a channel called Red Cross Radio (Channel 248) to assist during the relief effort. The channel was a joint effort of XM and the American Red Cross. It provided information directly to Red Cross workers located in the Gulf, as well as Red Cross aid stations in Houston and other cities. XM donated more than 200 radios for Red Cross workers to listen to the Red Cross Radio channel. Anyone with an XM receiver, however, regardless of whether they subscribe to XM, can listen to Channel 247 and Channel 248.

Unfortunately, traditional radio broadcasters have made no secret of their desire to prevent us from offering these important services. First, they sought an FCC ruling prohibiting us from offering content of a local interest on nationally distributed channels. (Our satellites distribute all of our channels nationally and our local repeaters retransmit all of the programming on the satellites without adding any programming.) In the face of a near-certain loss, they withdrew their request. Now they are urging support for H.R. 998, which, like their unsuccessful FCC petition, would jeopardize our ability to offer our traffic, weather, and emergency alert services by requiring the FCC to conduct a rulemaking to determine whether such services should be outlawed. The anti-consumer impact of this effort could not be clearer. The United States Department of Transportation opposed the broadcasters' efforts in comments filed at the FCC stating that it is "beyond question" that there is a strong public interest in providing this type of information. Likewise, in August 2005, Bob Griffin, the Director of the Office of Emergency Management for Arlington County, Virginia called the Washington alerts channel "a critical public service." We urge you to resist efforts by the traditional radio broadcasters to shut down these channels.

We look forward to improving our ability to provide emergency information through participation in the EAS. Our Traffic, Weather, and Alerts channels are the perfect vehicle for delivering such information. Whatever the self-interested benefits to traditional broadcasters, there is no public interest rationale for undermining XM's ability to provide these kinds of services.

Sincerely,



Hugh Panero
President & CEO

cc: Chairman Kevin Martin
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein

SATELLITE
RADIO

04-296

RECEIVED

2005 OCT 14 10 31 AM

NOV 16 2005

Federal Communications Commission
Office of the Secretary

October 13, 2005

VIA FACSIMILE

Representative John Carter
408 Cannon House Office Building
Washington, D.C. 20515
(202) 225-5886

Dear Representative:

I understand that you recently wrote to FCC Chairman Kevin Martin urging the Commission to require the participation of satellite radio licensees in the Emergency Alert System ("EAS"). I am pleased to inform you that XM Satellite Radio Inc. (XM) provides important emergency information today, and has expressed our willingness to participate voluntarily in the EAS in comments with the FCC last year and in subsequent meetings with staff. We are therefore very concerned about legislation (H.R. 998) advocated by traditional radio broadcasters that would jeopardize our ability to provide emergency information to the public. In light of your advocacy of XM's participation in the EAS, we hope that you will consider withdrawing your sponsorship of this legislation.

XM has been unambiguous in our willingness to participate in the EAS. As we wrote in comments to the FCC last year, "XM ... can play a vital role in improving the utility of the Emergency Alert System ("EAS") both by providing its own subscribers with national, state, and local EAS alerts as well as by serving as a complementary, satellite-based distributor of alerts to broadcast stations, cable systems, and other entities participating in the EAS."

Though not yet a part of the EAS, XM has taken significant steps to offer our subscribers real-time emergency alert information and Amber Alerts on our 21 Traffic, Weather, and Alerts channels as well as our dedicated XM Emergency Alert (Channel 247). We noted in our comments that, "XM is also committed to voluntarily becoming part of the EAS by transmitting national EAS alerts on all of its channels and state and local EAS alerts on the appropriate [Traffic, Weather and Alerts] channels."

XM's network offers tremendous public interest benefits, especially during emergencies. While Hurricane Katrina caused disruption and outages to nearly all traditional radio broadcasters in New Orleans, XM's three satellites continued to operate before, during, and after the storm. We utilized this resiliency to provide information for hurricane victims, safety officials, relief workers, and news media in the area. XM Emergency Alert (Channel 247) tracked the storm, reported on evacuation routes, and continues to provide updates about storm

No. of Copies rec'd 0
List ABCDE

Representative John Carter

October 13, 2005

Page 2

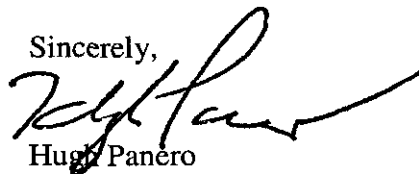
clean-up, road closures, school closings, and other vital information. Similarly, we provided extensive coverage of Hurricane Rita, including evacuation routes and information on both XM Emergency Alert and on our Traffic, Weather, and Alerts Channel covering the Houston area.

Following Hurricane Katrina, XM launched a channel called Red Cross Radio (Channel 248) to assist during the relief effort. The channel was a joint effort of XM and the American Red Cross. It provided information directly to Red Cross workers located in the Gulf, as well as Red Cross aid stations in Houston and other cities. XM donated more than 200 radios for Red Cross workers to listen to the Red Cross Radio channel. Anyone with an XM receiver, however, regardless of whether they subscribe to XM, can listen to Channel 247 and Channel 248.

Unfortunately, traditional radio broadcasters have made no secret of their desire to prevent us from offering these important services. First, they sought an FCC ruling prohibiting us from offering content of a local interest on nationally distributed channels. (Our satellites distribute all of our channels nationally and our local repeaters retransmit all of the programming on the satellites without adding any programming.) In the face of a near-certain loss, they withdrew their request. Now they are urging support for H.R. 998, which, like their unsuccessful FCC petition, would jeopardize our ability to offer our traffic, weather, and emergency alert services by requiring the FCC to conduct a rulemaking to determine whether such services should be outlawed. The anti-consumer impact of this effort could not be clearer. The United States Department of Transportation opposed the broadcasters' efforts in comments filed at the FCC stating that it is "beyond question" that there is a strong public interest in providing this type of information. Likewise, in August 2005, Bob Griffin, the Director of the Office of Emergency Management for Arlington County, Virginia called the Washington alerts channel "a critical public service." We urge you to resist efforts by the traditional radio broadcasters to shut down these channels.

We look forward to improving our ability to provide emergency information through participation in the EAS. Our Traffic, Weather, and Alerts channels are the perfect vehicle for delivering such information. Whatever the self-interested benefits to traditional broadcasters, there is no public interest rationale for undermining XM's ability to provide these kinds of services.

Sincerely,



Hugh Panero
President & CEO

cc: Chairman Kevin Martin
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein



SATELLITE
RADIO

EX PARTE OR LATE FILED

2005 OCT 13 10:00 AM

04-296

2005 OCT 13 10:00 AM

October 13, 2005

RECEIVED

NOV 16 2005

Federal Communications Commission
Office of the Secretary

VIA FACSIMILE

The Honorable Edward Whitfield
301 Cannon House Office Building
Washington, D.C. 20515-1701
(202) 225-3547

Dear Representative:

I understand that you recently wrote to FCC Chairman Kevin Martin urging the Commission to require the participation of satellite radio licensees in the Emergency Alert System ("EAS"). I am pleased to inform you that XM Satellite Radio Inc. (XM) provides important emergency information today, and has expressed our willingness to participate voluntarily in the EAS in comments with the FCC last year and in subsequent meetings with staff. We are therefore very concerned about legislation (H.R. 998) advocated by traditional radio broadcasters that would jeopardize our ability to provide emergency information to the public. In light of your advocacy of XM's participation in the EAS, we hope that you will consider withdrawing your sponsorship of this legislation.

XM has been unambiguous in our willingness to participate in the EAS. As we wrote in comments to the FCC last year, "XM ... can play a vital role in improving the utility of the Emergency Alert System ("EAS") both by providing its own subscribers with national, state, and local EAS alerts as well as by serving as a complementary, satellite-based distributor of alerts to broadcast stations, cable systems, and other entities participating in the EAS."

Though not yet a part of the EAS, XM has taken significant steps to offer our subscribers real-time emergency alert information and Amber Alerts on our 21 Traffic, Weather, and Alerts channels as well as our dedicated XM Emergency Alert (Channel 247). We noted in our comments that, "XM is also committed to voluntarily becoming part of the EAS by transmitting national EAS alerts on all of its channels and state and local EAS alerts on the appropriate [Traffic, Weather and Alerts] channels."

XM's network offers tremendous public interest benefits, especially during emergencies. While Hurricane Katrina caused disruption and outages to nearly all traditional radio broadcasters in New Orleans, XM's three satellites continued to operate before, during, and after the storm. We utilized this resiliency to provide information for hurricane victims, safety officials, relief workers, and news media in the area. XM Emergency Alert (Channel 247) tracked the storm, reported on evacuation routes, and continues to provide updates about storm clean-up, road closures, school closings, and other vital information. Similarly, we provided extensive coverage of Hurricane Rita, including evacuation routes and information on both XM Emergency Alert and on our Traffic, Weather, and Alerts Channel covering the Houston area.

1500 ECKINGTON PLACE NE WASHINGTON DC 20002-2194 PH 202 380 4000 FAX 202 380 4500 WWW.XMRADIO.COM
No. of Copies rec'd 0
List ABCDE

Following Hurricane Katrina, XM launched a channel called Red Cross Radio (Channel 248) to assist during the relief effort. The channel was a joint effort of XM and the American Red Cross. It provided information directly to Red Cross workers located in the Gulf, as well as Red Cross aid stations in Houston and other cities. XM donated more than 200 radios for Red Cross workers to listen to the Red Cross Radio channel. Anyone with an XM receiver, however, regardless of whether they subscribe to XM, can listen to Channel 247 and Channel 248.

Unfortunately, traditional radio broadcasters have made no secret of their desire to prevent us from offering these important services. First, they sought an FCC ruling prohibiting us from offering content of a local interest on nationally distributed channels. (Our satellites distribute all of our channels nationally and our local repeaters retransmit all of the programming on the satellites without adding any programming.) In the face of a near-certain loss, they withdrew their request. Now they are urging support for H.R. 998, which, like their unsuccessful FCC petition, would jeopardize our ability to offer our traffic, weather, and emergency alert services by requiring the FCC to conduct a rulemaking to determine whether such services should be outlawed. The anti-consumer impact of this effort could not be clearer. The United States Department of Transportation opposed the broadcasters' efforts in comments filed at the FCC stating that it is "beyond question" that there is a strong public interest in providing this type of information. Likewise, in August 2005, Bob Griffin, the Director of the Office of Emergency Management for Arlington County, Virginia called the Washington alerts channel "a critical public service." We urge you to resist efforts by the traditional radio broadcasters to shut down these channels.

We look forward to improving our ability to provide emergency information through participation in the EAS. Our Traffic, Weather, and Alerts channels are the perfect vehicle for delivering such information. Whatever the self-interested benefits to traditional broadcasters, there is no public interest rationale for undermining XM's ability to provide these kinds of services.

Sincerely,



Hugh Panero
President & CEO

cc: Chairman Kevin Martin
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein